

\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 789/2018 & I.As.4746/2018**

EXXON MOBIL CORPORATION Plaintiff

Through: Mr. Zeeshan Khan, Adv.

versus

MR. HARVINDER PAL SINGH & ANR Defendants

Through: Mr. Amitabh Chaturvedi with
Mr. Himesh Thakur, Advs. for D-1.
Mr. Nitin Sharma with Mr. Sohrab
Singh Mann, Advs. for D-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **07.08.2018**

Admittedly, as of today there is no listing by defendant no.1 on defendant no.2's website.

Learned counsel for defendant no.2 further assures and undertakes that in the event the impugned listing is placed on its website by defendant no.1, it shall be removed within three working days after receipt of notice from the plaintiff.

The aforesaid statements and undertaking given by learned counsel for defendant no.2 is accepted by this Court and the said defendant is held bound by the same.

In view thereof, defendant no.2 is deleted from the array of parties.

I.A 10471/2018 in CS(COMM) 789/2018

It is pertinent to mention that the present suit has been filed for permanent injunction, infringement of trade mark, delivery up of account of profits under the Trade Marks Act, 1999

Present joint application has been filed under Order 23 Rule 3 read with Section 151 CPC by plaintiff and defendant no.1. The same is duly signed by learned counsel for the parties as well as constituted attorney of the plaintiff as well as defendant no.1

Present application is also supported by affidavits of constituted attorney of the plaintiff as well as defendant no.1.

Both the learned counsel state that the matter has been compromised in accordance with the terms mentioned in the application being I.A. no.10471/2018.

Both the learned counsel further assure and undertake to this Court that the parties shall comply with the Settlement terms mentioned in the aforesaid application.

The aforesaid statements, assurances and undertakings as well as undertakings given by learned counsel for the parties are accepted by this Court and parties are held bound by the same.

This Court has also perused the compromise application and is of the opinion that the same is lawful.

Consequently, the suit is decreed in accordance with the application being I.A.10471/2018, which is marked as Ex. C-1. Registry is directed to prepare a decree sheet accordingly.

Registry is also directed to issue to an authorised representative of the plaintiff a certificate authorizing it to receive back from the

Collector half the amount of the Court fee paid by it in the present suit.

With the aforesaid observations, present application is allowed and the suit and all pending applications stand disposed of. The interim order dated 11th April, 2018 stands modified in accordance with the decree.

MANMOHAN, J

AUGUST 07, 2018

j